

Court of Appeals Decisions.

Assignment for Creditors—Elevated—Powell county vs. Kentucky Lumber Co.—(Not to be reported.) Filed December 9, 1893. Appeal from Powell Court of Common Pleas. Opinion of the court by Judge Pryor, reversing.

In this action by a county against an assignee for the benefit of creditors to recover damages for the obstruction and appropriation by the assignor, a corporation, of a public road in the county, and also for the recovery of the road, the petition alleging the continued use and possession of the road by the assignee from the date of the assignment, the court erred in requiring the plaintiff to elect whether it would proceed for the trespass committed by the assignor or for that committed by the assignee. There was but one cause of action, and the claim for the injury done after the assignment as well as for that done before is only an unsecured debt that will share merely its proportion of the assets of the insolvent with its other creditors.

Second—The road in controversy having, since the original trespass, been included within the corporate limits of a town and become one of its streets, the county has no cause of action to the extent of the injury done since the road was thus placed under the control of the town.

W. H. Averitt, O. A. Lyle for appellant; Arthur Cary, Humphrey & Davis for appellee.

Ownership of Note—Plea of Pendency of Another Action—Negligence in Restoring Record of Mortgage Destroyed by Fire.—Tolle, Holton & Co. vs. Alley, etc.—(Not to be reported.) Filed December 9, 1893. Appeal from Rowan Circuit Court. Opinion of the court by Judge Hazlerigg, affirming.

First—The pendency of another suit between the same parties was a bar to the recovery, although the papers of the suit pleaded in abatement had been burned. The lost record should have been supplied as provided by the statute.

Second—Mere possession of a note is not evidence of ownership against a verified plea denying the ownership.

Third—In this action to enforce a mortgage, the record of which had been burned five years before the action was instituted, the court properly refused to grant the relief against one who purchased without notice of the mortgage just before the nation was instituted. The plaintiff having been negligent in failing to restore the record in the way provided by statute, the mortgage must be treated as an unrecorded one.

W. J. Hendrick, R. Reed Rogers, B. D. Lacey for appellant; Wood & Day, T. J. Edelen for appellee.

Congressman J. B. McCreary and wife came very near losing their lives at Lexington, Saturday night. They were driving to a friend's house when the horses became frightened and ran away, finally colliding with a lamp post, demolishing the carriage and killing one of the horses. Mr. and Mrs. McCreary escaped injury, but had a very narrow escape.

Court Day.

The crowd in town Monday was not as large as usual, but business was brisk among the merchants. About 500 cattle of very good quality on the market. Good feeders brought from 2½ to 3½ cents; common, 1½ to 2½ cents. A number of mules on the market, but little demand for them.

L. G. Murphy, of Maytown, sold 27 cattle at an average of 3 cents. J. N. Sweetnam, of Hazel Green, sold 1 yoke oxen at 3½ cents.

Col. Z. T. Young sold 62 head of export cattle, averaging 1575 pounds, at 4 cents.

The Modern Mother.

Has found that her little ones are improved more by the pleasant laxative, Syrup of Figs, when in need of the laxative effect of a gentle remedy than by any other, and that it is more acceptable to them. Children enjoy it and it benefits them. The true remedy, Syrup of Figs, is manufactured by the California Fig Syrup Co. only.

J. J. E. Raider, of Jackson, who was recently sentenced in the Lexington Circuit Court to a term of two years in the penitentiary for the attempted assassination of John Hurst, has withdrawn his motion for a new trial and will go to prison at once. J. W. Perry, one of Raider's attorneys, filed suit to secure his fee of \$100 against Raider and his brother.

Edwin McKeel will case Bourbon county has been commenced. Mrs. America McNamara's daughter will retain 500 acres and now in their possession and other 800 acres.

Walk Up.

The merchant who sits down and waits for trade to come his way, is going to get left every time in these days when there are so many hustling for business. Let the people know something about the goods you have and something about your prices. Advertising the price of an article draws many a customer. The holiday trade is now on.

The habit of saying sweet things is of the greatest assistance to a woman who is dependent upon a husband, father or big brother for a living. Even tyrants may be subdued by a little judicious and delicately bestowed praise.

By the closing of the Homestead Steel Works four thousand men will be thrown out of work. Want of orders is the cause of the shut down, but is likely that work will be resumed after January 1.

A dispatch from Richmond, Va., states that the legislative investigation "revealed the fact that Senator Daniel came from Washington and worked for Martin, and also the fact that Lee was the candidate of the Administration at Washington."

Capt. Daniel Bassett completed last Tuesday his sixty-second year of continuous service in the employment of the United States Senate, which he entered as a page, appointed upon Daniel Webster's recommendation.

KARL'S GLOVER ROOT
GIVES FRESHNESS AND CLEAR SKIN.
CURES CONSTIPATION
INDIGESTION, DIZZINESS,
ERUPTIONS ON THE SKIN,
BEAUTIFIES COMPLEXION.
It is an agreeable Laxative for the Bowels;
can be made into a Tea for use in one minute.
Price 50c, 50c and \$1.00 per package.
KO NO An Elegant Toilet Powder
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The oldest regular life insurance company organized under the laws of the State of Kentucky.

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Hon. Chas. D. Jacob, Pres.
Geo. W. Morris, Vice-Pres.
Wm. W. Morris, Secy.
David Meriwether, Treas.

BUSINESS IN 1892.

Policies issued.....	1292
Insurance written.....	\$2,000,000.00
Income.....	500,473.17
Matured Endowments.....	15,068.30
Death claims.....	108,951.00
Paid Dividends, and for Policies purchased.....	99,416.97
Total Paid Policy Holders in 1892.....	311,736.03
Total Death Claims and Endowments paid by the Company.....	2,151,700.82

All claims paid promptly upon receipt and approval of proof of death, or maturity of Endowment.
The changing year is but one of a thousand reminders that life is short—very short but very valuable.

REMEMBER

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Contracting Plasterer,
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Saved Her Life.

Mrs. C. J. Woodman, of Westham, Texas, saved the life of her child by the use of Ayer's Cherry Pectoral. "One of my children had Croup. The case was attended by our physician, but he was unable to do well under treatment. One night I was startled by the child's loud breathing, and on going to it found it struggling. It had nearly ceased to breathe. Realizing that this child was the only one I had become possible to save, I immediately gave Ayer's Cherry Pectoral. The child was given a full dose of a bottle of Ayer's Cherry Pectoral in ten minutes. The child then breathed freely, and the case was cured. I have since given the Pectoral to my other children, and it has always proved a sure remedy for Croup, Whooping Cough, and all the ailments of the throat and lungs. The child is alive and well to-day. I have no hesitations in saying that Ayer's Cherry Pectoral saved her life."

AYER'S
Cherry Pectoral
Prepared by Dr. J. C. Ayer & Co., Lowell, Mass.
Prompt to act, sure to cure.

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We are sole agents for superior Anthracite Coal, fresh from the mines, a much better quality than has ever been sold in this market. It will give you satisfaction sure, and cost you no more than you have been paying for cheap Anthracite. Call and see us and try some.

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(T. D. CASSIDY AND L. I. CASSIDY)

Dealers in all kinds of Coal.

Black Band Coal, Cannel Coal, Belmont Coal, and the famous Davy's Run Coal always on hand, which we are selling low down for cash.

W. E. TYLER, Manager.



Planing Mill Company.

(Incorporated.)

Manufacturers and Dealers in all kinds of

Rough and Dressed Lumber.

White Pine and Poplar Shingles, Doors of all Sizes, Sash—Glazed and Unglazed, Window and Door Frames, Mouldings and Brackets of all kinds, Verandas of Every Description.

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Good Groceries

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Best and Cheapest in the City.

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Clothing, Boots, Shoes, Hats, Caps, Gents' Furnishing Goods,

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To encourage our customers from not buying their winter goods elsewhere, we have changed the prices of our goods 35 per cent. less than any house in the State will offer you at their cheapest prices. It will pay you to call on us and price our goods. We have a big line of Overcoats that you can get at your own price. Bargains in Boots and Shoes. We have a big lot of sample goods that we will sell at 40 cents on the dollar. We can do so, as we buy our goods for cash and we sell for cash only. Would be glad to have you give us a trial. You will get more goods from us for \$5 than elsewhere for \$10.

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Has paid to the people of Montgomery county more than all the other agencies in the town put together. Give them a call.

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No man can be said to be thoroughly in possession of his senses who does not provide protection against atmospheric changes in the form of a good fall overcoat. This is the season when you are most likely to take cold, and a little care now may prevent a long fit of illness. Wonderful how cheaply we can fit you out with a proper suit or overcoat! For \$8 up to \$22. Children's suits, from five to fifteen sizes, in two piece suits, \$1.50 to \$8. Hats of all kinds.

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At prices that will astonish you. I specially call my fine line of New and Pawnbroker OVERCOATS goods; that I am selling at prices that will make you giving them away.

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